

REMARKS

Claims 4-30 now stand in the application, claims 1-3 have been replaced with new claims 28-30. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

Claims 1-5, 11-14, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lupien (U.S. Patent No. 5,857,153) in view of Parmar *et al.* (U.S. Patent No. 6,725,039). Applicant respectfully traverses the § 103(a) rejection of claims 1-5, 11-14, and 25-27 for at least the reasons discussed below.

The Patent Office acknowledges that Lupien fails to teach or suggest a first cellular mobile radio system using the macrodiversity transmission technique. The Patent Office alleges that column 6, lines 37-41 of Parmar *et al.* overcomes the acknowledged deficiencies of Lupien.

The combination of Lupien and Parmar *et al.* fails to teach or suggest at least the transfer of cell information regarding cells of a second cellular system to a first cellular system, as recited in amended claim 1 (now claim 28). First of all, with respect to Lupien, one of ordinary skill in the art would not consider the mobile switching centers (MSC) to be equivalent to the serving and drift radio network controllers of the present invention. As understood by one of ordinary skill in the art, macrodiversity transmission means that, on the downlink path, a mobile terminal receives user data from at least two base stations and correspondingly, the user data transmitted by the terminal is received by at least two base stations. Then, instead of one, there are two or more active base stations, or a so-called active set. While Lupien arguably discloses handoff of a call between neighboring cells, claim 28 is directed to call transfer between a first cellular system

that uses macrodiversity transmission techniques and a second cellular system that is separate from the first system. Furthermore, the terms “serving controller” and “drift controller” have specific meanings as outlined in the specification with respect to macrodiversity transmission techniques. At best, all that Lupien discloses at col. 6, lines 30-61 is that the network signals adjoining cell information to a mobile station. Since the Patent Office has admitted that Lupien fails to teach or suggest the use of macrodiversity transmission techniques, the MSCs of Lupien cannot be considered to be equivalent to the serving and drift controllers recited in claim 28.

When combined, Lupien and Parmar *et al.* fail to teach or suggest at least the transfer of cell information regarding cells of a second cellular system to a first cellular system, as recited in claim 28. Parmar *et al.* arguably discloses the soft handovers between a GSM system and a UMTS system, but the reference lacks any teaching or suggestion regarding macrodiversity transmission techniques or the signaling of cell information between two cellular systems, as recited in claim 28. Along with the deficiencies discussed above, Lupien does not teach or suggest the signaling of cell information from one cellular system to another cellular system that uses macrodiversity transmission techniques. The combination of Lupien and Parmar *et al.* does not teach or suggest the pass-through of cell information from a non-macrodiversity cellular system to the serving controller of a macrodiversity cellular system, as recited in claim 28. Thus, Applicant submits that the Patent Office cannot fulfill the “all limitations” requirement with respect to claim 28.

Since neither Lupien nor Parmar *et al.* teaches or suggests the signaling of cell information from a non-macrodiversity cellular system to the serving controller of a

macrodiversity cellular system, Applicant submits that one of ordinary skill in the art would not be motivated to combine the references. The present invention is directed to solving a problem regarding transfer of calls between two cellular systems, one of which uses macrodiversity transmission. Since neither reference addresses call transfers between such systems, no motivation exists for one of skill in the art to combine the references. Thus, Applicant submits that the Patent Office cannot fulfill the motivation requirement with respect to claim 28.

Based on at least the foregoing reasons, Applicant submits that claim 28 is in condition for allowance over the combination of Lupien and Parmar *et al.*, and further submits that claims 4, 5 and 25 are allowable as well, at least by virtue of their dependency from claim 28. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 4, 5 and 25 and 28.

With respect to independent claim 2 (now claim 29), Applicant submits that claim 29 is in condition for allowance over the combination of Lupien and Parmar *et al.* for at least reasons analogous to those discussed above with respect to claim 28, and further submits that claims 11, 13 and 26 are allowable as well, at least by virtue of their dependency from claim 29. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 11, 13, 26 and 29.

With respect to independent claim 3, now claim 30, Applicant submits that claim 30 is in condition for allowance over the combination of Lupien and Parmar *et al.* for at least reasons analogous to those discussed above with respect to claim 28, and further submits that claims 12, 14 and 27 are allowable as well, at least by virtue of their dependency from claim 30. Applicant

respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 12, 14, 27 and 30.

Claims 6, 7 and 15-18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lupien in view of Parmar *et al.*, and in further view of McGrew *et al.* (U.S. Patent No. 6,614,901). Applicant traverses the § 103(a) rejection of claims 6, 7 and 15-18 for at least the reasons discussed below.

The Patent Office cites McGrew *et al.* for its alleged disclosure of a “radio link setup failure” type message. Notwithstanding the disclosure of McGrew *et al.*, the combination of Lupien, Parmar *et al.* and McGrew *et al.* still fail to teach or suggest the features of the present invention as recited in amended independent claims 28-30. Applicant submits that claims 6, 7 and 15-18 are allowable over the combination of Lupien, Parmar *et al.* and McGrew *et al.* at least by virtue of their dependency from independent claims 28-30, respectively. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 6, 7 and 15-18.

Claims 8-10 and 19-24 stand under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lupien in view of Parmar *et al.*, and in further in view of Lidbrink *et al.* (U.S. Patent No. 6,466,767). Applicant traverses the § 103(a) rejection of claims 8-10 and 19-24 for at least the reasons discussed below.

The Patent Office cites Lidbrink *et al.* for its alleged disclosure of a “cell global identity” type message. Notwithstanding the disclosure of Lidbrink *et al.*, the combination of Lupien, Parmar *et al.* and Lidbrink *et al.* still fail to teach or suggest the features of the present invention

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as recited in amended independent claims 28-30. Applicant submits that claims 8-10 and 19-24 are allowable over the combination of Lupien, Parmar *et al.* and Lidbrink *et al.* at least by virtue of their dependency from independent claims 28-30, respectively. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 8-10 and 19-24.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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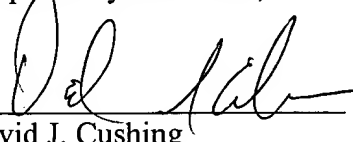
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